

**United States Department of Interior**

**U.S. Bureau of Reclamation, Mid-Pacific Region Office  
Sacramento, California**

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

**Temporary Forbearance of a Water Right Entitlement Held by the Orange  
Cove Irrigation District on Mill Creek, Tehama County, California**

**Recommended By:**

  
**Water Acquisition Program Manager**

**Concur:**

  
**Regional Environmental Officer**

**Approved By:**

  
**Regional Resources Manager**

**Date:**



**FONSI Number:**



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**Environmental Assessment for the Temporary Forbearance of a Water Right  
Entitlement Held by the Orange Cove Irrigation District on Mill Creek, Tehama  
County, California**

**Description of Proposed Action**

The Orange Cove Irrigation District (OCID) has made available 7.5 percent of adjudicated water rights (up to a maximum annual quantity of approximately 3,623 acre-feet) in Mill Creek, one of two watersheds in the Central Valley identified to support wild stocks of spring-run chinook salmon and fall-run chinook salmon. This water would be used for environmental purposes pursuant to the objectives of the Central Valley Project Improvement Act (CVPIA). The U. S. Bureau of Reclamation (USBR) has prepared an Environmental Assessment (EA) to evaluate effects of the short-term (5-years) forbearance of OCID's water right to augment existing instream flows in Mill Creek to enhance migration of anadromous fish species. The proposed action would help to achieve the instream flow recommendations for Mill Creek contained in the Anadromous Fish Restoration Program (AFRP) that was established under section 3406(b)(1) of the CVPIA.

The primary purpose of the proposed action is to improve fish passage in the lower 2.5 miles of Mill Creek between Ward Dam and the Sacramento River by increasing instream flows. Up to annual amount of approximately 3,623 acre feet of environmental water would be released to benefit spring-run chinook salmon in April, May, June, and fall-run chinook salmon between October 16<sup>th</sup> and November 15<sup>th</sup>. The actual quantity of water would vary from year to year, depending on the type of water year.

Federal Authority for taking action on Mill Creek derives from the CVPIA. Section 3406 (b)(1) of that act requires the development and implementation of a program (AFRP) that will make all reasonable efforts to ensure that, by the year 2002, natural production of anadromous fish in Central Valley rivers and streams will be sustainable on a long-term basis. USBR and USFWS are attempting to meet these requirements through habitat and in-stream flow improvements in the Sacramento River and Bay/Delta system.

Authority to acquire water from OCID derives from Section 3406 (b)(3) that provides for the acquisition of water from willing sellers on the streams for two specific purposes. First, "...to supplement the quantity of water dedicated to fish and wildlife purposes under

Section 3406 (b)(2)..., and second, to fulfill the Secretary's obligation under Section 3406 (d)(2)...".

## **Finding**

In accordance with the National Environmental Policy Act of 1969, as amended, the Mid-Pacific Region of the USBR has found that the proposed action is not a major Federal action that would affect the quality of the human environment. The USBR has therefore found that an Environmental Impact Statement is not required for implementation of the proposed action.

## **Basis for Finding**

This Finding of No Significant Impact is based on the following:

1. The USBR, based on consultations with the USFWS and NMFS, made the determination that the proposed action would not likely have an adverse affect on Federally-listed threatened or endangered species and associated critical habitats in accordance with Section 7 of the Endangered Species Act (ESA).
2. The 5-year water right purchase and forbearance contained in the proposed action will not have highly uncertain environmental effects or involve unique or unknown environmental risks.
3. The proposed action would have no impacts to the physical, biological, and socio-economic aspects of the terrestrial environment of the Mill Creek watershed.
4. The proposed action is consistent with recommendations and priorities promulgated in prior fishery restoration plans. These include the Recovery Plan for The Sacramento-San Joaquin Delta Native Fishes (USFWS 1996), Status of Actions to Restore Central Valley Spring-Run Chinook Salmon (CDFG, 1996), Mill Creek Watershed Management Strategy Report (CH2M HILL, 1997), Restoring Central Valley: A Plan for Action (CDFG, 1993), Revised Draft Restoration Plan (USFWS, 1997) and recent CALFED Category III, CALFED Ecosystem Restoration Program priorities and objectives.
5. Ecological benefits are anticipated with implementation of the proposed action. The environmental water made available by OCID will augment the current California Department of Fish and Game (CDFG) and California Department of Water Resources in-stream flow lease and exchange agreements, and help enhance fish passage conditions by increasing instream flows in Mill Creek below Ward Dam.